

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00032

MARTHA YVONNE OXLEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 3, 2011, the United States of America appeared by Susan M. Robinson, Assistant United States Attorney, and the defendant, Martha Yvonne Oxley, appeared in person and by her counsel, Nicholas S. Preservati, for a hearing on the petition on supervised release submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a thirty-three month term of supervised release in this action on September 23, 2009, as more fully set forth in the Supervised Release Revocation and Judgment order entered by the court on April 16, 2007.

The court heard the evidence, admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the acts of prostitution and solicitation of prostitution on more than one occasion during her term of supervised release as admitted by her to the probation officer; (2) that the defendant used and possessed marijuana as evidenced by her admission to the probation officer and a positive urine specimen submitted by her on July 27, 2011; (3) that the defendant left the judicial district without the permission of the court or probation officer inasmuch as she was stopped by police on July 22, 2011, in Pleasants County, West Virginia, the defendant having subsequently admitted to the probation officer that she had traveled outside of the Southern District of West Virginia; (4) that the defendant failed to submit monthly reports for July and August, 2011; (5) that the defendant changed residences without notifying the probation officer as admitted by her to the probation officer; (6) that the defendant associated with persons who possessed methamphetamine, marijuana, scales and other illegal drug paraphernalia as admitted by her to the probation officer; (7) that the defendant

failed to notify the probation officer within 72 hours of being questioned by the police on July 22, 2011; and (8) that the defendant failed to abide by the special condition that she reside at Dismas Charities, Inc. until January 7, 2012, inasmuch as she entered the facility on August 8, 2011, and was discharged on September 16, 2011, for violating the rules and regulations of the facility; all as set forth in the petition on supervised release, the defendant having admitted Violations 2, 3, 4, 8 and 9, and the court having found by a preponderance of the evidence that she committed Violations 1, 5, 6 and 7.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering

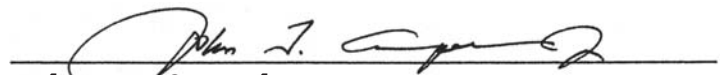
the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of one (1) year of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant remain incarcerated at the South Central Regional Jail.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 18, 2011


John T. Copenhaver, Jr.
United States District Judge

